

Summary of The Carter Center's Second Interim Statement on the Election Commission of Nepal's "Voter Register with Photograph" Program

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Introduction

The Election Commission of Nepal (ECN) is conducting a nationwide voter registration process to create a new computerized voter register.[1] The new register will replace the previous one, which was believed to contain many mistakes, including missing or misspelled names, entries of the same voters' names in multiple locations, and possibly some ineligible voters.[2] As part of broader efforts to observe the peace and constitutional processes at the local level, Carter Center observers have gathered information about the voter registration process from 40 of 75 districts since February 2011. The Center's observation objectives are to support the electoral process, to promote confidence in the ECN and the voter registration process to the degree warranted, and to contribute to the overall strengthening of the democratic process in Nepal.

Context

The voter registration process was launched in March 2010 with a pilot exercise. Field data collection is now being conducted in multiple phases: a municipalities phase (completed), a "bridging" phase (completed), and a nationwide phase (ongoing). In addition, in June 2011, the ECN announced that additional registration centers would be opened through mid-July to facilitate out-of-district registration. At the district level, voter registration includes: a multi-level, multi-media voter education campaign; a door-to-door campaign to identify, inform, and document individuals who are eligible to register ("enumeration"); and on-site registration at more than 8,000 voter registration places. At the same time, continuous voter registration is ongoing at District Election Offices to accommodate individuals who missed voter registration in their location of permanent residence.

Methodology

Between February and June 2011, six teams[3] of Carter Center long-term observers (LTOs) were deployed to collect information from election officials, government officials, political party representatives, journalists, civil society, and citizens about the voter registration process. Observers gathered information from 18 Tarai districts, 15 hill districts, and 7 mountain districts.[4] The field teams directly observed the voter registration process in 28 districts and undertook research by telephone in 12 districts. LTO teams collected findings about voter awareness and participation, voter registration management, and political party participation, and also conducted direct observation at 52 voter registration places. The Carter Center conducted its observation activities in accordance with Nepali law, the ECN Code of Conduct for Election Observation, and international election observation standards laid out in the Declaration of Principles for International Election Observation.

Main Findings

In its first interim report released in April 2011, the Center made several recommendations for how the ECN could improve the voter registration process. Since the release of the Center's April

report, the Commission has taken several steps in line with the Center's recommendations, including:

- Establishing voter registration targets in line with estimated population data;
- Reaching an agreement with the Federal Democratic National Front-affiliated Federal Limbuwan State Council (FDNF-affiliated FLSC) to end Limbuwan party obstructions of voter registration;
- Increasing opportunities for citizens who have migrated in-country to be able to register, such as through a policy revision to enable out-of-district registration;
- Bolstering voter education efforts on the voter registration process nationwide; and
- Ensuring citizens not previously enumerated could be enumerated at registration places.

The Carter Center commends these positive efforts undertaken by the ECN to ensure that all Nepalis who wish to register to vote are provided with the opportunity to do so. Such efforts demonstrate the ECN's flexibility and good will as the process continues to move forward.

Voter Registration Turnout

The nationwide phase of voter registration is ongoing and turnout thus far suggests that the ECN will not meet its initial registration target by mid-July 2011 and fall well short of the estimated maximum number of possible registrants living in the country. Based on projections released by the ECN in May 2011, the maximum number of possible registrants, i.e., individuals 16 and above who are living in-country, is approximately 14.7 million. The ECN set a target of registering roughly 11 million citizens (75 percent of the number of possible registrants in country) by mid-July 2011. As of July 4, available ECN registration turnout data showed that approximately 7.9 million citizens have registered – 72 percent of the mid-July target and 54 percent of the total number of estimated possible registrants.

Out-of-District Registration

The ECN has added an out-of-district registration component to its program in order to facilitate greater access and increase turnout. To provide an opportunity to register for internal migrants who do not possess proof of migration and for persons who have temporarily relocated outside of their home district for work or study, the ECN amended its procedures in June. The new procedures allow for individuals to register at any registration place for the address shown on their citizenship certificate ("out-of-district registration"). To facilitate greater access to individuals who have relocated internally to register via out-of-district registration, the ECN announced that registration places would be opened in most metropolitan and sub-metropolitan locations between mid-June and mid-July. While this will afford an increased opportunity for citizens to register, the Center believes that additional efforts beyond mid-July will be necessary to make up for the gap between registration targets and turnout. Moreover, given the change in policy, it will be necessary for the ECN to ensure that voter education efforts to raise awareness of out-of-district registration are developed and widely implemented.

Political Party Obstructions

Political party obstructions in parts of the Tarai and Eastern Hills affected voter registration turnout. As of mid-June, registration had only just started in three districts affected by FDNF-affiliated FLSC obstructions and had been completed in less than half of the VDCs in several districts affected by Madhesi party obstructions. While the ECN reached an agreement with the

FDNF-affiliated FLSC that ended their obstructions in late May, at the time of writing Madhesi parties continued to threaten obstruction in seven districts - Banke, Jhapa, Kapilvastu, Morang, Nawalparasi, Rupandehi, and Sunsari - causing ECN officials to put registration on hold in certain areas of these districts. As of mid-June, registration had been completed in only 10-20 percent of VDCs in four districts heavily affected by Madhesi party obstructions. Consequently, it appears registration will not be completed in some obstruction-affected districts by mid-July as planned.

Voter Eligibility Requirements

Voter eligibility requirements also affected voter registration turnout. A significant number of individuals do not readily possess required proof of eligibility, i.e., citizenship certificates and proof of migration. It is difficult to quantify the precise extent to which voter eligibility requirements constitute barriers to registration given a lack of official data on how many individuals do not possess citizenship certificates or proof of migration. Information gathered from enumerators in various districts suggests that between one-third and one-half of individuals could not be enumerated because they lacked eligibility documents, were out-of-district, or were out-of-country.

The Center has found that Nepalis lacking citizenship certificates is a nationwide problem, not limited to any one region or among a particular ethnicity or gender. Positively, there has been a significant increase in citizenship certificate applications in recent months, with the estimated application rate having tripled or even quadrupled in some districts. However, without accurate data regarding how many citizens lack citizenship certificates, it is unclear to what extent individual-initiated efforts alone are sufficient.

The Carter Center is concerned that individuals who are living in remote areas, or are elderly, infirm, or otherwise marginalized, may be left out of the voter registration process unless additional state-initiated efforts are undertaken. While the Ministry of Home Affairs (MoHA) has issued directives to district administration officials to provide same-day citizenship certificates to applicants who meet the requirements, it has not launched and is not currently considering any additional initiatives to proactively reach out to citizens to increase access. In several districts, particularly in remote areas, Carter Center observers heard requests for mobile citizenship certificate distribution teams in order to ensure all eligible Nepalis have access to the required documents. With respect to international principles for democratic elections, the Government of Nepal has an obligation to take effective measures to ensure that all persons entitled to register are able to do so.[5] This obligation was reiterated in an order by the Supreme Court of Nepal in February 2011.

Continuous Registration

Continuous registration rates have increased modestly but remain relatively low and will not be sufficient to reach the required turnout targets. Across districts visited, observers reported a modest increase in the number of citizens who have been registering via continuous registration in recent months, coinciding with the progression of the registration process. While the increase in turnout is positive, according to data gathered by observers in late May and early June the total number of registrants who have registered via continuous registration is relatively low. In populous districts such as Kathmandu, Lalitpur and Kailali, total continuous registration figures were between 1,000 and 2,000 registrants while in most other districts the total was in the low hundreds. Thus, continuous registration appears to be insufficient to allow the ECN to reach its mid-July 2011 target and, in the longer term, the estimated number of possible registrants.

Moreover, the Carter Center has found that public awareness of continuous registration remains quite limited.

Data Management

Data management is presently the weakest aspect of the ECN voter registration exercise. Several key components of the Commission's plan have yet to be implemented, including the establishment of a central data center; development and updating of data management software; and the creation of an internal communications infrastructure. At present, the data of millions of registrants remains at the district level and will only be amalgamated after the nationwide phase ends. Without access to registration data at the central level, the ECN is unable to perform quality control tests to assess the nature and frequency of mistakes that may exist. Moreover, the ECN has not developed policies and procedures for duplicate registration removal and only partial tests have been run to assess challenges to identifying and removing duplicates. One reason for the weakness of the data management process is limited staff capacity within the ECN to manage key information technology components. Presently, the Commission is being supported by external technical experts who have outsourced software development and updating tasks to private contractors. For effective long term management, the capacity for software development and data management should also be built 'in-house.'

Nationwide Voter Registration Phase

During the nationwide phase, observers saw a modest improvement in voter education efforts, specifically an increase in the visible numbers of posters as well as more frequent radio jingles and television advertisements. Observers also generally noted improvement in citizen understanding of the registration process as compared to the bridging phase; the majority of citizens interviewed were aware of the reason why they were expected to register. Moreover, observers found that many enumerators interviewed were able to meet their targets; however, some enumerators, notably in mountain districts, had difficulty meeting targets due to geographical inaccessibility. The modest increase in voter education efforts has seemingly facilitated enumeration efforts; most enumerators reported that more citizens were aware of the reasons for their visits and, thus, were ready with their voter eligibility documents for enumeration.

The registration process at registration places was found to be generally smooth and registration staff appeared to be generally well-trained, hard-working, and capable of managing minor problems as they arose. Minor technical and procedural weaknesses have persisted and there have been some problems with equipment, largely due to wear and tear. However, ECN officials have generally repaired or replaced equipment in a timely manner to avoid disruption of the registration process.

Political Party Participation

Political party participation during the nationwide phase of the voter registration process has been very weak. While parties are holding internal meetings to raise awareness within their ranks about the registration process, there are few examples of parties conducting public activities to support voter registration. In a few districts, ECN-sponsored Local Coordination Committees have been regarded by participants as positive mechanisms to support the registration process.

Future Planning

Additional planning for the exhibitions and challenges period, the modalities for coordination with

MoHA, and an updated, comprehensive ECN calendar is required. After the aggregation and cleaning of voter registration data, a provisional voters' list is expected to be compiled for an exhibitions and challenges period. Until present, the ECN does not have detailed plans or procedures for an exhibitions and challenges period and, as field data collection may soon be drawing to a close, the Commission should already have such a plan with a detailed timeline for the process.

Additionally, the sustainability of the voter register is dependent on regular maintenance and updating. The ECN voter registration project plan envisions that data collected by the Commission will be provided to the MoHA for the purposes of creating a civil registry which, in turn, will be used to facilitate the updating of the voter register. It is understood that there has been relatively little coordination between the ECN and MoHA on efforts to create a civil registry as the ECN and MoHA have yet to establish modalities for sharing data and updating registration information. It is important that such coordination and linkages are established so as to ensure sustainability of the voter registration project.

Finally, the ECN calendar that is being used to guide voter registration activities is no longer accurate or relevant. There are activities that are currently being conducted, such as out-of-district voter registration, which had not been planned and are not reflected in the calendar. There are also activities, including several data management activities, which have not been conducted as planned and remain outstanding, or which will need to be rescheduled, such as a July exhibitions and challenges process. Last, there are activities that are not presently scheduled, such as a "missed" registration exercise, which should be conducted and need to be scheduled. As the ECN calendar helps guide the entire process, it is important that it be updated and accurate to facilitate planning within the ECN and among external stakeholders.

Recommendations

The Carter Center commends the positive efforts undertaken by the ECN thus far to ensure that all Nepalis who wish to register to vote are provided with the opportunity to do so. The Center encourages the Commission to build on its positive efforts to date and to take further steps to promote greater fairness, access and opportunity for all Nepalis who wish to register to vote. In particular, the Center recommends:

The Election Commission of Nepal should:

- Extend the timeline for its ongoing voter registration exercise as necessary to ensure voter registration is conducted in all locations;
- Conduct a "missed" voter registration exercise to reach individuals who may have missed registration to date, specifically by opening registration centers in each municipal ward and VDC from August to November 2011 as is presently being considered by the ECN;
- Develop a new, realistic voter registration calendar to track progress and schedule activities according to a new timeline;
- Prioritize implementation of the data management plan, enhance the capacity of existing IT staff to manage the process, and consider recruiting additional skilled IT staff as necessary;
- Continue efforts to reach an agreement with Madhesi political parties to end voter registration obstructions;

- Continue lobbying the government to make effective arrangements to issue citizenship certificates to all eligible citizens;
- Establish continuous registration locations outside district headquarters to provide increased access to potential voters;
- Ensure voter education efforts are tailored to increase awareness of out-of-district registration and continuous registration;
- Correct minor weaknesses in technical and procedural aspects at registration places;
- Define procedures and a timeline for the exhibitions and challenges process; and
- Increase coordination with MoHA to facilitate the creation of a civil registry.

The Government of Nepal should:

- Increase its efforts to issue citizenship certificates to all eligible Nepali citizens, as called for by the Supreme Court in February 2011 and in line with international principles for democratic elections; and
- Continue efforts to support the ECN to end ongoing obstructions by Madhesi political parties.

Political Parties and Civil Society should:

- Play a more active and supportive role in the voter registration process, specifically by raising awareness among citizens and encouraging them to register; and
- Madhesi parties obstructing the voter registration process should use proper legal channels to raise their grievances and should ensure that their protests are peaceful.

[1] Based on its international political commitments, Nepal is obligated to take steps to "guarantee the rights and institutional framework for periodic and genuine, free and fair elections" including establishing "an effective, impartial, and non-discriminatory procedure for the registration of voters" and maintaining a voter register that is accurate and current. See International Parliamentary Union, Declaration on Free and Fair Elections, art. 4 (1) and 4 (2) available at <http://www.ipu.org/cnl-e/154-free.htm>

[2] Concerns about the previous voters' list were highlighted by the Carter Center's observation mission to the Constituent Assembly Elections in 2008, and "Create a more inclusive and accurate voter list" was the top recommendation of the Carter Center mission's final report. Please refer to "Observing the 2008 Nepal Constituent Assembly Election," The Carter Center, available at: http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/FinalReportNepal2008.pdf

[3] Carter Center LTO teams are composed of two international LTOs, one Nepali national LTO, and one interpreter.

[4] Tarai districts: Banke, Bara, Bardiya, Dang, Dhanusa, Jhapa, Kailali, Kanchanpur, Kapilvastu, Mahottari, Morang, Nawalparasi, Parsa, Rupandehi, Saptari, Sarlahi, Siraha, and Sunsari. Hill districts: Achham, Bhaktapur, Dadeldhura, Dhading, Doti, Ilam, Jumla, Kathmandu, Kavrepalanchok, Lalitpur, Myagdi, Panchthar, Surkhet, Syangja, and Terhathum. Mountain districts: Darchula, Dolakha, Rasuwa, Sankhuwasabha, Sindhupalchok, Solukhumbu and Taplejung.

[5] For example, United Nations Human Rights Committee General Comment 25 stipulates that, "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed."